

CRIMINAL PROCEEDINGS — U.S. DISTRICT COURT, EASTERN DISTRICT OF VA, RICHMOND DIVISION

JUDGE: Gibney

DOCKET NOS. 3:13CR127

& 3:11CR314

REPORTER: G. Halasz, OCR

DATE: 10/7/13

UNITED STATES OF AMERICA

COUNSEL

v.

JOSHUA CLAYTON BRADY

Mary E. Maguire, AFPD

APPEARANCES: GOVERNMENT Michael C. Moore, AUSA
DEFENDANT WITH COUNSEL (X) DEFENDANT WITHOUT COUNSEL ()
DEFENDANT NOT PRESENT () WAIVER OF APPEARANCE FILED ()

BAIL STATUS: DEFENDANT ON BOND () DEFENDANT INCARCERATED (X) BOND NOT SET ()

TYPE OF PROCEEDINGS: ARRAIGNMENT () REARRAIGNMENT/GUILTY PLEA (X) MOTIONS ()
OTHER: and Supervised Release Violation Hearing

PRELIMINARY PROCEEDINGS: WAIVER OF INDICTMENT EXECUTED, FILED ()
CRIMINAL INFORMATION FILED ()
OTHER () _____

GUILTY PLEA PROCEEDINGS: DEFENDANT WITHDREW PLEA OF NG AS TO COUNT(S) 1 & 2
DEFENDANT REARRAIGNED ON COUNT(S) 1 & 2
PLEA BARGAIN AGREEMENT FILED (X)
STATEMENT OF FACTS FILED (X) USED AS SUMMARY (X)
DEFENDANT ENTERED PLEA(S) OF GUILTY AS TO COUNT(S) 1 & 2
COURT ACCEPTED PLEA (X) GOVERNMENT SUMMARIZED EVIDENCE ()
JUDGMENT: DEFENDANT GUILTY AS CHARGED IN COUNT(S) 1 & 2
PRESENTENCE REPORT ORDERED () P.S.I. WAIVED (X)
SENTENCING GUIDELINE ORDER ENTERED ()

BOND HEARING PROCEEDINGS: DEFENDANT CONTINUED ON PRESENT BOND () DEFT REMANDED (X)
DEFENDANT PLACED ON PR BOND IN AMOUNT OF \$ _____ ()
BENCH WARRANT TO ISSUE () MOTION DENIED ()

SUPERVISED RELEASE PROCEEDINGS:

Supervised Release Violation in 3:11CR314 handled as part of the plea in 3:13CR127: The defendant plead guilty to the violation and found guilty by the Court; Dft's supervised release revoked and the defendant was sentenced on the violation to 24 months imprisonment with credit for time served with no further supervised release to follow (see pg. 2 of sentencing minutes in 13cr127 for recommendations to BOP)

CASE SET:

BEGAN:

ENDED:

TIME IN COURT:

11:30am

11:39am

12:39pm

1 hour

SENTENCING MINUTES

DATE: 10/7/13 – Continued from plea proceedings

CASE NUMBER: 3:13CR127

JUDGE: GIBNEY

CT REPORTER: G. Halasz, OCR

UNITED STATES OF AMERICA

v.

JOSHUA CLAYTON BRADY

_____, AUSA

COUNSEL

_____, ESQ.

SENTENCING ON COUNT(S): 1 & 2 (x) Indictment () Superseding Ind.

PRELIMINARY MATTERS: the joint motion for a variance is granted (a downward variance given in this case and an upward variance given on the supervised release violation in 3:11cr314)

OBJECTIONS TO PSR: the defendant objects to the guideline calculations; the court overrules the objection

STATEMENTS MADE BY: GOV'T (X) DEFENSE COUNSEL (X) DEFT (X)

ON MOTION OF GOV'T, () INDICTMENT () REMAINING CTS. DISMISSED.

DEFENDANT TO VOLUNTARILY REPORT TO DESIGNATED INSTITUTION

ON: _____ BY: _____
() IF NO DESIGNATION MADE, REPORT TO U.S. MARSHAL IN RICHMOND

DEFT ADVISED OF RIGHT OF APPEAL within 14 days of today (X)

DEFT REMANDED TO CUSTODY (X)

CASE SET: _____ BEGAN: _____ ENDED: _____ TIME IN COURT: _____

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SENTENCE TEXT

COUNT One IMPRISONMENT _____ MOS. CONCURRENT () CONSECUTIVE ()

CREDIT FOR TIME SERVED ON THIS CHARGE ()

SUPERVISED RELEASE _____ YEARS

PROBATION FIVE YEARS

FINE \$ _____ (X) Fine not imposed

SPECIAL ASSESSMENT \$100 due immediately

COUNT Two IMPRISONMENT _____ MOS. CONCURRENT () CONSECUTIVE ()

SUPERVISED RELEASE _____ YEARS CONCURRENT ()

PROBATION FIVE YEARS CONCURRENT (X)

FINE \$ _____ (X) Fine not imposed

SPECIAL ASSESSMENT \$100 due immediately

COUNT _____ IMPRISONMENT _____ MOS. CONCURRENT () CONSECUTIVE ()

SUPERVISED RELEASE _____ YEARS CONCURRENT ()

PROBATION _____ YEARS CONCURRENT ()

FINE \$ _____ () Fine not imposed

SPECIAL ASSESSMENT \$ _____ due immediately

CONSENT ORDER OF FORFEITURE MADE A PART OF JUDGMENT IN CASE ()

RESTITUTION ORDERED: _____

RECOMMENDATION(S) TO BOP for sentence imposed on the violation:

2. (X) Designate dft. to a facility near family who reside in Chester, VA

() SHOCK Incarceration Program () BRAVE Program

3. (X) Educational & Vocational training () BOP 500-hr intensive drug treatment program

() UNICOR program () with _____ portion of earnings directed to child support

1. (X) OTHER: facility with a strong psychological component & medical center

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SPECIAL CONDITIONS of Probation / Supervised Release:

- X (1) Incur no new credit without approval of probation officer
X (2) Provide probation officer with access to financial information
X (3) Participate in drug/alcohol treatment/testing; ~~_____ Pay cost of treatment~~
X (4) Participate in mental health treatment, if deemed necessary; ~~_____ Pay cost of treatment~~
_____ Participate in anger management
_____ (5) Defendant shall not consume any alcohol.
_____ (6) Participate in a program such as Narcotics Anonymous/Alcoholics Anonymous or a similar secular program (any secular equivalent to NA/AA must be approved by the probation officer and the Court.) Dft shall begin attendance within one week of release. Defendant shall attend 90 meetings within 90 days. Defendant shall obtain a sponsor who will confirm the sponsor relationship with the probation officer.
_____ (7) Pay child support in amount ordered by social services or Court
X (8) Defendant shall pay any balance owed on the S/A imposed by the Court
_____ Pay in installments of not less than \$25 per month,
to begin 60 days after start of supervision until paid in full
_____ (9) Defendant to apply monies received from tax refunds, lottery winnings, and any anticipated or unexpected financial gains to the Court-ordered financial obligation
_____ (10) Mandatory drug testing waived; _____ PO may still administer drug test if appropriate
_____ (11) Perform community service _____ HOURS during period of supervision
_____ (12) Participate in home confinement program for _____ with monitoring
_____ Permitted to work, attend church, or other approved activities
_____ Maintain telephone without special features; no cordless phone
_____ Pay costs of electronic monitoring
_____ (13) Defendant is surrendered to BICE for deportation proceedings
_____ If deported, defendant to remain outside the United States
_____ (14) Waive all rights of confidentiality regarding mental health treatment
(or other treatment) to allow release of information to Probation, etc.
_____ (15 - 19) _____ Defendant shall register with the state sex offender registration agency in any state where he resides, is employed, a student, etc.. _____ Defendant shall not own or have a computer in his residence or place of employment. Also, he shall not use a computer to access any online computer services at any location, including employment without the prior approval of the probation officer. This includes any internet service provider bulletin board systems, or any other public or private computer network. _____ Defendant shall not have any access to or possess any pornographic material, pictures displaying nudity, or magazines using juvenile models or pictures of juveniles under the age of 18 years. _____ Defendant shall not be in the presence of children under the age of 18 without another responsible adult being present. _____ Defendant shall not accept any paid or volunteer positions involving children.

X (---) **Other special conditions:**

The defendant shall not use a computer without prior approval of the probation officer. The defendant can use the computer to apply for jobs, but must first obtain prior permission from the probation officer and the defendant must abide by any conditions that the probation officer sets.